



General Assembly

January Session, 2007

Committee Bill No. 5273

LCO No. 5102

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Referred to Committee on Public Safety and Security

Introduced by:
(PS)

AN ACT CONCERNING LAW ENFORCEMENT AND MISSING PERSONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2007*) For the purposes of
2 sections 2 to 8, inclusive, of this act, "law enforcement agency" means
3 the Division of State Police within the Department of Public Safety or
4 any municipal police department.

5 Sec. 2. (NEW) (*Effective October 1, 2007*) (a) A law enforcement
6 agency shall accept without delay any report of a missing person.

7 (b) No law enforcement agency may refuse to accept a missing
8 person report on the basis that:

9 (1) The missing person is an adult;

10 (2) The circumstances do not indicate foul play;

11 (3) The missing person has been missing for a short period of time;

12 (4) The missing person has been missing for a long period of time;

13 (5) There is no indication that the missing person was in the
14 jurisdiction served by the law enforcement agency at the time of the
15 disappearance;

16 (6) The circumstances suggest that the disappearance may be
17 voluntary;

18 (7) The person reporting does not have personal knowledge of the
19 facts;

20 (8) The person reporting cannot provide all of the information
21 requested by the law enforcement agency; or

22 (9) The person reporting lacks a familial or other relationship with
23 the missing person.

24 (c) No law enforcement agency may refuse to accept a missing
25 person report for any reason except where the law enforcement agency
26 has direct knowledge that the person is, in fact, not missing and the
27 exact whereabouts and welfare of the person are known to the agency
28 at the time the report is being made.

29 Sec. 3. (NEW) (*Effective October 1, 2007*) At the time a missing person
30 report is filed, the law enforcement agency shall seek to ascertain and
31 record as much of the following information about the missing person
32 as is available:

33 (1) Name, including any alias;

34 (2) Date of birth;

35 (3) Identifying marks, including, but not limited to, birthmarks,
36 moles, tattoos and scars;

37 (4) Height and weight;

38 (5) Gender;

- 39 (6) Race;
- 40 (7) Current hair color and true or natural hair color;
- 41 (8) Eye color;
- 42 (9) Prosthetics, surgical implants or cosmetic implants;
- 43 (10) Physical anomalies;
- 44 (11) Blood type;
- 45 (12) Any medications the missing person is taking or needs to take;
- 46 (13) Driver's license number;
- 47 (14) Social security number;
- 48 (15) A recent photograph of the missing person;
- 49 (16) A description of the clothing the missing person was believed
50 to be wearing at the time of disappearance;
- 51 (17) A description of notable items that the missing person may be
52 carrying and wearing;
- 53 (18) Information on the missing person's electronic communications
54 devices, such as a cellular telephone number or electronic mail
55 address;
- 56 (19) The reasons why the reporting person believes that the person
57 is missing;
- 58 (20) Name and location of the missing person's school or employer;
- 59 (21) Name and location of the missing person's dentist and primary
60 care physician;
- 61 (22) Any circumstances that may indicate that the disappearance
62 was not voluntary;

63 (23) Any circumstances that indicate that the missing person may be
64 at risk of injury or death;

65 (24) A description of the possible means of transportation of the
66 missing person, such as the make, model, color, license plate number
67 and vehicle identification number of a motor vehicle;

68 (25) Any identifying information about a known or possible
69 abductor or the person last seen with the missing person including: (A)
70 Name; (B) physical description; (C) date of birth; (D) identifying
71 marks; (E) the description of the possible means of transportation, such
72 as the make, model, color, license plate number and vehicle
73 identification number of a motor vehicle; and (F) known associates;

74 (26) Date of last contact; and

75 (27) Any other information that may aid in locating the missing
76 person.

77 Sec. 4. (NEW) (*Effective October 1, 2007*) (a) The law enforcement
78 agency shall notify the person making the report, a family member or
79 any other person in a position to assist the law enforcement agency in
80 its efforts to locate the missing person by providing to that person or
81 family member:

82 (1) General information about the handling of the missing person
83 case or about intended efforts in the case to the extent that the law
84 enforcement agency determines that disclosure would not adversely
85 affect its ability to locate or protect the missing person or to apprehend
86 or prosecute any person criminally involved in the disappearance; and

87 (2) Information advising the person making the report and other
88 involved persons that if the missing person remains missing, they
89 should contact the law enforcement agency to provide additional
90 information and materials that will aid in locating the missing person,
91 including, but not limited to, any credit or debit cards the missing
92 person has access to, other banking or financial information and any

93 records of cellular telephone use.

94 (b) In those cases where DNA samples are requested, the law
95 enforcement agency shall notify the person or family member that all
96 such DNA samples are provided on a voluntary basis and shall be
97 used solely to help locate or identify the missing person and shall not
98 be used for any other purpose.

99 (c) The law enforcement agency, upon acceptance of a missing
100 person report, shall inform the person filing the report that there are
101 two clearinghouses for missing persons' information. If the person
102 reported missing is seventeen years of age or under, the person filing
103 the report shall be provided with contact information for the National
104 Center for Missing and Exploited Children. If the person reported
105 missing is eighteen years of age or older, the person filing the report
106 shall be provided with contact information for the National Center for
107 Missing Adults.

108 (d) If the person identified in the missing person report remains
109 missing for thirty days, and the additional information and materials
110 specified in subdivisions (1) to (4), inclusive, of this subsection have
111 not been received, the law enforcement agency shall attempt to obtain:

112 (1) DNA samples from family members and, if possible, from the
113 missing person, along with any needed documentation, including any
114 consent forms required for the use of state or federal DNA databases;

115 (2) Dental information and x-rays, and an authorization to release
116 dental or skeletal x-rays of the missing person;

117 (3) Any additional photographs of the missing person that may aid
118 the investigation or an identification; and

119 (4) Fingerprints.

120 (e) The law enforcement agency shall not be required to obtain
121 written authorization before it releases publicly any photograph that

122 may aid in the investigation or identification of the missing person.

123 (f) All DNA samples obtained in a missing person case shall be
124 immediately forwarded to the Division of Scientific Services within the
125 Department of Public Safety for analysis. The division shall establish
126 written procedures for determining how to prioritize analysis of the
127 samples relating to missing persons cases.

128 (g) Information relevant to the Federal Bureau of Investigation's
129 Violent Criminal Apprehension Program shall be entered as soon as
130 possible.

131 (h) Nothing in this section shall be construed to preclude a law
132 enforcement agency from obtaining any of the materials identified in
133 subsection (d) of this section before the thirtieth day following the
134 filing of the missing person report.

135 Sec. 5. (NEW) (*Effective October 1, 2007*) (a) For the purposes of this
136 section and sections 6 to 8, inclusive, of this act, "high risk missing
137 person" means a person whose whereabouts are not currently known
138 and the circumstances indicate that the person may be at risk of injury
139 or death.

140 (b) The circumstances that indicate that a person is a high risk
141 missing person include, but are not limited to, any of the following:

142 (1) The person is missing as a result of a stranger abduction;

143 (2) The person is missing under suspicious circumstances;

144 (3) The person is missing under unknown circumstances;

145 (4) The person is missing under known dangerous circumstances;

146 (5) The person is missing more than thirty days;

147 (6) The person has already been designated as a high risk missing
148 person by another law enforcement agency;

149 (7) There is evidence that the person is at risk because:

150 (A) The person is in need of medical attention, or prescription
151 medication;

152 (B) The person does not have a pattern of running away or
153 disappearing;

154 (C) The person may have been abducted by a noncustodial parent;

155 (D) The person is mentally impaired;

156 (E) The person is under twenty-one years of age; or

157 (F) The person has been the subject of past threats or acts of
158 violence; and

159 (8) Any other factor that may, in the judgment of the chief of the law
160 enforcement agency receiving the missing person report, indicate that
161 the person may be at risk.

162 Sec. 6. (NEW) (*Effective October 1, 2007*) (a) Upon the initial receipt of
163 a missing person report, a law enforcement agency shall seek to
164 determine whether the person reported missing is a high risk missing
165 person.

166 (b) A finding that a person reported missing is not a high risk
167 missing person shall not preclude a later determination, based on
168 further investigation or the discovery of additional information, that
169 the missing person is a high risk missing person.

170 Sec. 7. (NEW) (*Effective October 1, 2007*) (a) Whenever a law
171 enforcement agency determines that a missing person is a high risk
172 missing person, it shall notify the unit of the Division of State Police
173 within the Department of Public Safety that investigates missing
174 persons. The law enforcement agency shall immediately provide the
175 unit with the information that is most likely to aid in the location and
176 safe return of the high risk missing person. As soon as practicable, the

177 law enforcement agency shall provide all other information obtained
178 relating to the missing person case to the unit.

179 (b) The unit of the Division of State Police within the Department of
180 Public Safety that investigates missing persons shall promptly notify
181 all law enforcement agencies within the state and, if deemed
182 appropriate, law enforcement agencies in adjacent states or
183 jurisdictions of the information that may aid in the prompt location
184 and safe return of the high risk missing person.

185 (c) Local law enforcement agencies that receive notification from the
186 unit of the Division of State Police within the Department of Public
187 Safety that investigates missing persons pursuant to subsection (b) of
188 this section shall forward that information immediately to any of its
189 sworn members.

190 Sec. 8. (NEW) (*Effective October 1, 2007*) (a) The unit of the Division
191 of State Police within the Department of Public Safety that investigates
192 missing persons shall, as appropriate, enter all collected information
193 relating to the missing person case to applicable federal databases. The
194 information shall be provided in accordance with applicable
195 guidelines relating to the databases, as follows:

196 (1) A missing person report, and relevant information, in a high risk
197 missing person case shall be entered in the National Crime
198 Information Center database immediately, but not later than two hours
199 after the determination that the missing person is a high risk missing
200 person.

201 (2) A missing person report, and relevant information, in a case not
202 involving a high risk missing person shall be entered in the National
203 Crime Information Center database not later than twenty-four hours
204 after the initial filing of the missing person report.

205 (3) All DNA profiles shall be uploaded into the missing persons
206 database of the Division of Scientific Services of the Department of

207 Public Safety and all appropriate and suitable federal database
208 systems.

209 (4) Information relevant to the Federal Bureau of Investigation's
210 Violent Criminal Apprehension Program shall be entered as soon as
211 practicable.

212 (b) All due care shall be given to ensure that the data, particularly
213 medical and dental records, entered in state and federal databases is
214 accurate and, to the greatest extent possible, complete.

215 (c) The Division of State Police within the Department of Public
216 Safety shall, when deemed appropriate and likely to facilitate a
217 resolution to a particular missing person report, activate the
218 emergency alert system that broadcasts or disseminates information
219 concerning the abduction of a child.

220 Sec. 9. (NEW) (*Effective October 1, 2007*) (a) The Police Officer
221 Standards and Training Council shall provide information to local law
222 enforcement agencies about best practices and protocols for handling
223 death scene investigations.

224 (b) The Police Officer Standards and Training Council shall identify
225 any publications or training opportunities that may be available to
226 local law enforcement officers concerning the handling of death scene
227 investigations.

228 Sec. 10. (NEW) (*Effective October 1, 2007*) (a) After performing any
229 death scene investigation, as deemed appropriate under the
230 circumstances, the official with custody of the human remains shall
231 ensure that the human remains are delivered to the Office of the Chief
232 Medical Examiner.

233 (b) The Chief Medical Examiner shall make reasonable attempts to
234 promptly identify human remains. These actions may include, but are
235 not limited to, obtaining:

- 236 (1) Photographs of the human remains;
- 237 (2) Dental or skeletal x-rays;
- 238 (3) Photographs of items found with the human remains;
- 239 (4) Fingerprints from the human remains, if possible;
- 240 (5) Samples of tissue suitable for DNA typing, if possible;
- 241 (6) Samples of whole bone or hair suitable for DNA typing; and
- 242 (7) Any other information that may support identification efforts.
- 243 (c) No person shall dispose of or engage in actions that will
- 244 materially affect the unidentified human remains before the Chief
- 245 Medical Examiner obtains (1) samples suitable for DNA identification,
- 246 and (2) photographs of the unidentified human remains, and all other
- 247 appropriate steps for identification have been exhausted.
- 248 (d) Unidentified human remains shall not be cremated.
- 249 (e) The Chief Medical Examiner shall make reasonable efforts to
- 250 obtain prompt DNA analysis of biological samples if the human
- 251 remains have not been identified by other means not later than thirty
- 252 days after the discovery of such remains.
- 253 (f) The Chief Medical Examiner shall seek support from appropriate
- 254 state and federal agencies to assist in the identification of unidentified
- 255 human remains. Such assistance may include, but not be limited to,
- 256 available mitochondrial or nuclear DNA testing, federal grants for
- 257 DNA testing or federal grants for crime laboratory or medical
- 258 examiner office improvement.
- 259 (g) The Chief Medical Examiner shall promptly enter information in
- 260 state and federal databases that may aid in the identification of a
- 261 missing person. Information shall be entered into federal databases as
- 262 follows:

263 (1) Information for the National Crime Information Center shall be
264 entered within twenty-four hours;

265 (2) DNA profiles and information shall be entered into the National
266 DNA Index System (NDIS) not later than five business days after the
267 completion of the DNA analysis and procedures necessary for the
268 entry of the DNA profile; and

269 (3) Information sought by the Violent Criminal Apprehension
270 Program database shall be entered as soon as practicable.

271 (h) Nothing in this section shall be construed to preclude the Office
272 of the Chief Medical Examiner or a law enforcement agency from
273 taking other actions to facilitate the identification of unidentified
274 human remains including, but not limited to, efforts to publicize
275 information, descriptions or photographs that may aid in the
276 identification of the unidentified human remains, including allowing
277 family members to identify a missing person, provided, in taking these
278 actions, all due consideration shall be given to protect the dignity and
279 well-being of the missing person and the family of the missing person.

280 (i) Agencies handling the remains of a missing person shall notify
281 the law enforcement agency handling the missing person's case.
282 Documented efforts must be made to locate family members of the
283 deceased person to inform them of the death and location of the
284 remains of their family member.

285 Sec. 11. Section 53a-116 of the general statutes is repealed and the
286 following is substituted in lieu thereof (*Effective October 1, 2007*):

287 (a) A person is guilty of criminal mischief in the second degree
288 when: (1) With intent to cause damage to tangible property of another
289 and having no reasonable ground to believe that such person has a
290 right to do so, such person damages tangible property of another in an
291 amount exceeding two hundred fifty dollars; or (2) with intent to cause
292 an interruption or impairment of service rendered to the public and

293 having no reasonable ground to believe that such person has a right to
 294 do so, such person damages or tampers with tangible property of a
 295 public utility or mode of public transportation, power or
 296 communication, and thereby causes a risk of interruption or
 297 impairment of service rendered to the public; [or] (3) with intent to
 298 cause damage to tangible property owned by the state or a
 299 municipality that is located on public land and having no reasonable
 300 ground to believe that such person has a right to do so, such person
 301 damages such tangible property in an amount exceeding two hundred
 302 fifty dollars; or (4) with intent to cause damage to tangible property of
 303 another and having no reasonable ground to believe that such person
 304 has a right to do so, such person removes or defaces an official missing
 305 person or wanted person poster.

306 (b) Criminal mischief in the second degree is a class A
 307 misdemeanor.

308 Sec. 12. (NEW) (*Effective October 1, 2007*) The Commissioner of
 309 Public Safety shall arrange for the collection and distribution of
 310 information on the best available procedures for handling death scene
 311 investigations and missing persons investigations and shall furnish
 312 such information to the chief elected local official of each municipality.

313 Sec. 13. Sections 29-1e and 29-1f of the general statutes are repealed.
 314 (*Effective October 1, 2007*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>October 1, 2007</i>	New section
Sec. 3	<i>October 1, 2007</i>	New section
Sec. 4	<i>October 1, 2007</i>	New section
Sec. 5	<i>October 1, 2007</i>	New section
Sec. 6	<i>October 1, 2007</i>	New section
Sec. 7	<i>October 1, 2007</i>	New section
Sec. 8	<i>October 1, 2007</i>	New section

Sec. 9	<i>October 1, 2007</i>	New section
Sec. 10	<i>October 1, 2007</i>	New section
Sec. 11	<i>October 1, 2007</i>	53a-116
Sec. 12	<i>October 1, 2007</i>	New section
Sec. 13	<i>October 1, 2007</i>	Repealer section

Statement of Purpose:

To adopt a model missing persons act and thereby improve the ability of law enforcement agencies to locate and return missing persons, improve the identification of human remains and improve timely information and notification to the family members of missing persons.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. NARDELLO, 89th Dist.; REP. DARGAN, 115th Dist.
SEN. GUGLIELMO, 35th Dist.

H.B. 5273